

## AMENDMENTS TO THE CLAIMS

Please amend the claims as follows:

Claims 1-11 (Canceled):

Claim 12 (Currently Amended): A toner, ~~for use in an image forming method which comprises~~ comprising:

~~developing an electrostatic latent image with said toner to form a developed toner image, transferring said developed toner image to a sheet to form a toner image-bearing sheet, and passing said toner image-bearing sheet through a nip defined between two rollers including a heater roller to fix the toner image on said sheet, wherein said toner comprises~~

a binder resin,

a wax, and

a colorant,

wherein said toner is capable of being used in an image forming method which comprises developing an electrostatic latent image with said toner to form a developed toner image, transferring said developed toner image to a sheet to form a toner image-bearing sheet, and passing said toner image-bearing sheet through a nip defined between two rollers including a heater roller to fix the toner image on said sheet,

wherein said toner image on said sheet before the passage through said nip has a toner volume V1 and a toner image area S1, wherein said toner image after the passage through said nip has a toner volume V2 and a toner image area S2, and wherein a volume change Vt and an area change St defined by the formulas shown below are 30 % or less and 20 % or less, respectively:

$$V_t (\%) = (V_1 - V_2) / V_1 \times 100$$

$$S_t (\%) = (S_2 - S_1) / S_1 \times 100$$

wherein V1, V2, S1 and S2 are as defined above.

Claim 13 (Original): A toner cartridge containing the toner according to claim 12.

Claims 14-25 (Canceled):

Claim 26 (New): The toner as claimed in claim 12, wherein said toner has a melt viscosity  $\eta_{100}$  at 100°C and a melt viscosity  $\eta_{120}$  at 120°C and wherein the ratio  $\eta_{100}/\eta_{120}$  of the viscosity of the toner at 100°C to the viscosity of the toner at 120°C ranges from 6 to 10.

Claim 27 (New): The toner as claimed in claim 26, wherein the melt viscosity  $\eta_{100}$  at 100°C is in the range of  $1 \times 10^5$  to  $4 \times 10^5$  Pa·s and the melt viscosity  $\eta_{120}$  at 120°C is in the range of  $1 \times 10^4$  to  $4 \times 10^5$  Pa·s.

Claim 28 (New): The toner as claimed in claim 12, wherein said binder resin has a tetrahydrofuran-insoluble content of 10 to 80 % by weight.

Claim 29 (New): The toner as claimed in claim 12, wherein said binder resin comprises at least 50 % by weight of a polyester resin having an acid value of from 10 to 100 mgKOH/mg.

Claim 30 (New): The toner as claimed in claim 29, wherein said binder resin additionally comprises no more than 50 % by weight of another resin which is not compatible with said polyester resin.

Claim 31 (New): The toner as claimed in claim 12, wherein said toner further comprises fine particles of a magnetic material.

Claim 32 (New): The toner as claimed in claim 12, wherein said toner further comprises inorganic powder incorporated therein.

Claim 33 (New): The toner as claimed in claim 12, wherein said toner further comprises an organic zirconium compound as a charge controlling agent.

Claim 34 (New): The toner as claimed in claim 12, wherein said toner further comprises 0.01 to 5% by weight of inorganic powder as an external additive.

Claim 35 (New): The toner as claimed in claim 12, wherein said toner has a weight average particle diameter of 4 to 10  $\mu\text{m}$ .

Claim 36 (New): The toner as claimed in claim 12, wherein the toner has a bulk density of at least 0.30 g/cm<sup>3</sup>.

Claim 37 (New): The toner as claimed in claim 12, wherein said toner has an average sphericity of at least 0.92.

Claim 38 (New): The toner as claimed in claim 12, wherein said toner further comprises inorganic powder as an external additive.

Claim 39 (New): The toner as claimed in claim 12, wherein said toner has a weight average particle diameter  $X_w$  and a number average particle diameter  $X_n$ , and wherein the ratio  $X_w/X_n$  is 1.3 or less.

Claim 40 (New): The toner as claimed in claim 12, wherein the toner image before the passage through said nip has a surface roughness of  $2.5\ \mu\text{m}$  or less.

Claim 41 (New): The toner as claimed in claim 12, wherein the toner image before the passage through said nip has a surface roughness of  $2.0\ \mu\text{m}$  or less.

### **BASIS FOR THE AMENDMENT**

The specification has been amended. The amendments to the specification are the same that were made in the parent case, Serial No. 10/252,070, per Applicant's amendment or per Examiner's amendment.

Claims 1-11 and 14-25 have been canceled. This case is a Divisional application of Serial No. 10/252,070. The present application pursues Claims 12 and 13 which were non-elected in the parent application.

Claims 26-41 have been added.

New Claims 26-35 are supported by Claim 2-11 as originally filed and in the specification at page 16, line 20.

New Claim 36 is supported by Claim 18 as originally filed.

New Claim 37 is supported by Claim 17 as originally filed.

New Claim 38 is supported by Claim 19 as originally filed.

New Claim 39 is supported by Claim 20 as originally filed.

New Claim 40 is supported by Claim 23 as originally filed.

New Claim 41 is supported by Claim 25 as originally filed.

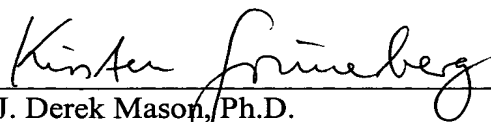
No new matter is believed to have been added by entry of this amendment. Entry and favorable reconsideration are respectfully requested.

Upon entry of this amendment Claims 12, 13, 26-41 will now be active in this application.

Applicants submit that the present application is now in condition for examination on the merits and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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A handwritten signature in cursive script, reading "Kirsten Grueneberg", written over a horizontal line.

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